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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,044	02/14/2001	Edwin C. Iliff	ILIFF.015A6	4724
20995	7590	04/22/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			HWANG, JOON H	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/785,044	Applicant(s) ILIFF, EDWIN C.	
	Examiner Joon H. Hwang	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/2/02, 8/23/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The claims 1-9 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Branson et al. (U.S. Patent No. 6,598,035) in view of Gray (U.S. Patent No. 6,149,585).

With respect to claim 1, Branson discloses an object-oriented programming system for a medical diagnosis expert system (lines 15-39 in col. 2 and line 56 in col. 12 thru line 14 in col. 13). Branson discloses providing a plurality of symptom objects (lines 17-39 in col. 20 and fig. 16). Branson discloses symptom objects may be archived (i.e., stored in a storage device, lines 11-55 in col. 12 and fig. 8) and available for reuse (lines 15-39 in col. 2). Branson does not explicitly disclose a disease object. However, Gray discloses a plurality of disease data associated with a plurality of symptom data in a medical diagnostic enhancement system (lines 7-24 in col. 6 and line 23 in col. 2 thru line 41 in col. 3). Gray also discloses assigning a weight for each symptom data, wherein a particular disease data may include a preferred weight for one or more preferred symptoms data and an alternative weight for one or more alternative

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symptoms data, wherein the alternative symptoms data are selected from a set of symptoms data (lines 25-48 in col. 6). Therefore, based on Branson in view of Gray, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize disease data and associations with symptom data of Gray to the system of Branson in order to present an accurate diagnosis.

With respect to claim 2, Branson teaches assigning a new name for a symptom object that is reused (fig. 16 and lines 17-39 in col. 20).

With respect to claim 3, Branson does not explicitly disclose a database for storing symptom objects. However, Gray discloses a utilization of a database for storing symptom data (line 23 in col. 2 thru line 41 in col. 3). Therefore, based on Branson in view of Gray, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a database of Gray to the system of Branson in order to store symptom data for diagnosis.

With respect to claim 4, Branson discloses a network (fig. 8). The limitations of claim 4 are rejected in the analysis of claim 3 above, and the claim is rejected on that basis.

With respect to claim 5, Branson discloses each symptom object has underlying objects used to establish the symptom (fig. 16).

The limitations of claim 7 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 9, Branson discloses objects perform their own tasks and call upon other objects to perform their tasks at the appropriate time (lines 51-62 in col. 6).

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6 and lines 47-55 in col. 10). The limitations of claim 9 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Branson et al. (U.S. Patent No. 6,598,035).

With respect to claim 6, Branson teaches an object based automated diagnostic system comprising a plurality of objects which interact to determine the diagnosis of a patient, wherein the objects include a symptom object (lines 15-39 in col. 2, line 56 in col. 12 thru line 14 in col. 13, lines 17-39 in col. 20, and fig. 16).

With respect to claim 8, Branson teaches an engine object to coordinate the other objects (fig. 11 and line 23 in col. 15 thru line 23 in col. 16).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M~F).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joon Hwang
Patent Examiner
Technology Center 2100

4/15/05


JOON HWANG
PATENT EXAMINER
TECHNOLOGY CENTER 2100